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## Notice of Intent to Adopt a Rule

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### TITLE 10 OFFICE OF ATTORNEY GENERAL FOR THE STATE

LSA Document #01-264

Under IC 4-22-2-23, the Office of Attorney General for the State of Indiana intends to adopt a rule concerning the following:

**OVERVIEW:** Adds a new rule concerning the regulation of athlete agents provided for in IC 25-5.2 (Senate Enrolled Act 171). This rule would establish fees for an application for registration or renewal of registration of athlete agents. This rule would also place within the Consumer Protection Division of the Office of the Attorney General the responsibility of the regulation of athlete agents, including the granting, denying, renewing, refusing to renew, suspending, revoking, and restricting of certificates of registration of athlete agents. The rule further would provide that the Attorney General or his designee from outside the Consumer Protection Division of the Office of the Attorney General may serve as administrative law judge in administrative proceedings under IC 4-21.5-3 arising from the denial, suspension, revocation, restriction, or refusal to renew certificates of registration for athlete agents. Public comments are invited and may be directed to the Office of the Attorney General, Attention: Jeff Cox, Indiana Government Center South, Fifth Floor, 402 West Washington Street, Indianapolis, Indiana 46204 or by electronic mail to [jcox@atg.state.in.us](mailto:jcox@atg.state.in.us). Statutory authority: IC 4-21.5-3-35; IC 25-1-8-2; IC 25-5.2-2-7.

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### TITLE 11 CONSUMER PROTECTION DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL

LSA Document #01-265

Under IC 4-22-2-23, the Consumer Protection Division of the Office of the Attorney General intends to adopt a rule concerning the following:

**OVERVIEW:** Adds a new rule concerning the regulation of telephone solicitations as affected by IC 24-4.7 (House Enrolled Act 1222) and the no telephone sales solicitation listing (Telephone Privacy List) provided for in IC 24-4.7. This rule would establish standards, procedures, requirements, and supplemental definitions to implement the provisions of IC 24-4.7. Public comments are invited and may be directed to the Office of the Attorney General, Attention: Jeff Cox, Indiana Government Center-South, Fifth Floor, 402 West Washington Street, Indianapolis, Indiana 46204 or by electronic mail to [jcox@atg.state.in.us](mailto:jcox@atg.state.in.us). Statutory authority: IC 4-6-9-8; IC 24-4.7-3-7.

### TITLE 25 INDIANA DEPARTMENT OF ADMINISTRATION

LSA Document #01-252

Under IC 4-22-2-23, the Indiana Department of Administration intends to adopt a rule concerning the following:

**OVERVIEW:** Public Law 195-2001 (HEA 1401) contain several provisions that affect rules previously promulgated by the Indiana Department of Administration. The provisions of Public Law 195-2001 supercede, directly and indirectly, some portions of existing Department rules. Certain new provisions of Public Law 195-2001 establishes the Governor's Commission on Minority and Women's Business Enterprises. It also sets forth the membership of the Commission and requires the Department of Administration to adopt administrative rules to ensure that certain goals established by the Commission are met. This legislation requires the Department to amend portions of those rules that have been either been superseded by Public Law 195-2001, or are otherwise inconsistent with Public Law 195-2001. The Department intends to adopt rules to amend provisions of existing rules that are impacted by Public Law 195-2001, by adding to existing rules as required by Public Law 195-2001, making the rules completely consistent with, and in conformance with, the requirements of Public Law 198-2001. The Department also intends to revise, edit, delete, add, or otherwise amend the existing rules, as it may deem desirable in order to make them compliant with the provisions of Public Law 195-2001. Although the Department is still in the process of identifying all rules that may be affected by Public Law 195-2001, it has determine that amendments will be required to 25 IAC 1.1 (regarding state procurement), and 25 IAC 2 (regarding public works projects). The Indiana Department of Administration invites suggestions, questions, comments, arguments, or views in these matters. Written questions or comments on the adoption may be directed by mail to F. Daniel Gettelfinger, staff counsel for the Indiana Department of Administration, Indiana Government Center-South, 402 West Washington Street, W479, Indianapolis, Indiana 46204 or by electronic mail to [dgettelfinger@idoa.state.in.us](mailto:dgettelfinger@idoa.state.in.us). Statutory authority: IC 4-13-1-4; IC 4-13-1-7; IC 4-13

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### TITLE 50 STATE BOARD OF TAX COMMISSIONERS

LSA Document #01-266

Under IC 4-22-2-23, the State Board of Tax Commissioners intends to adopt a rule concerning the following:

**OVERVIEW:** IC 6-1.1-31-1, as amended by Public Law 198-2001 (HEA 1499), requires the department of local government finance (a successor entity to the state board of tax commissioners, effective January 1, 2002) to promulgate rules establishing criteria for the revocation of a certification under

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IC 6-1.1-35.5-6 (level one and level two assessor-appraisers.) Existing state board of tax commissioners ("state board") rules concerning these certifications are set out at 50 IAC 15. The state board intends to promulgate rules that will comply with the above-stated requirement of the department of local government finance (to expedite and simplify compliance). The state board also intends to promulgate rules that add provisions establishing a process for tax representatives to be certified under 50 IAC 15-5, and that establish criteria for the revocation of a tax representative certification (intended to be substantially similar to those referenced above, to be promulgated establishing criteria for the revocation of a certification under IC 6-1.1-35.5). Under the authority of IC 6-1.1-31-1, IC 6-1.1-31-11, and IC 6-1.1-35.5-8, the state board intends to promulgate rules as indicated above. The state board invites written suggestions, facts, arguments, or views in these matters. Questions or comments may be directed to Bill Waltz, Executive Secretary, State Board of Tax Commissioners, at 232-3783. Statutory authority: IC 6-1.1-31-1; IC 6-1.1-31-11; IC 6-1.1-35.5-8.

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### TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

LSA Document #01-236

Under IC 4-22-2-23, the Indiana Utility Regulatory Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 170 IAC 7-1.1-19 concerning the unauthorized switching of telecommunications providers; billing for telecommunications or other services added without customer's consent to mirror changes in federal law. Questions concerning the proposed rule may be addressed to the following telephone number: (317) 232-0158. Statutory authority: IC 8-1-1-3.

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### TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #01-243

Under IC 4-22-2-23, the Indiana State Department of Health intends to adopt a rule concerning the following:

**OVERVIEW:** The rules will protect the sanitation and safety of campgrounds and youth camps. Written comments may be submitted to the Indiana State Department of Health, Attention: Office of Legal Affairs and Policy, 2 North Meridian Street, Indianapolis, Indiana 46204. Statutory authority: IC 16-19-3-4.

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### TITLE 440 DIVISION OF MENTAL HEALTH

LSA Document #01-263

Under IC 4-22-2-23, the Division of Mental Health intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 440 IAC 4.4 concerning the certification of addiction treatment services providers to add uniform criteria for addiction treatment services program, to define intensive outpatient services, to require entities requesting temporary regular certification to meet specific criteria, and to make technical revisions regarding time frames. Statutory authority: IC 12-8-8-4; IC 12-23-1-6.

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### TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #01-250

Under IC 4-22-2-23, the Fire Prevention and Building Safety Commission intends to adopt a rule concerning the following:

**OVERVIEW:** The rule will amend sections of the general administrative rule (675 IAC 12), the special administrative rules for industrialized building systems and mobile structure systems (675 IAC 15), and the annual inspection fee schedule for amusement devices (675 IAC 23-1-63) to increase fees to reflect current expenses and to make changes in the funding of the statewide Fire and Building Safety Education Fund. Questions and/or public comments are invited and may be directed to the Department of Fire and Building Services, Attention: Technical Services, Indiana Government Center-South, 402 West Washington Street, Room W246, Indianapolis, Indiana 46204, or by e-mail at [eblakey@sema.state.in.us](mailto:eblakey@sema.state.in.us). Statutory authority: IC 22-11-14-2; IC 22-12-6-6; IC 22-12-6-7; IC 22-12-6-8; IC 22-13-2-13.

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### TITLE 828 STATE BOARD OF DENTISTRY

LSA Document #01-241

Under IC 4-22-2-23, the State Board of Dentistry intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 828 IAC 1-1-2, 828 IAC 1-1-3, 828 IAC 1-1-6, 828 IAC 1-1-8, 828 IAC 1-1-9, 828 IAC 1-1-10, and 828 IAC 1-1-12 concerning the examination for licensure to practice dentistry. Amends 828 IAC 1-1-18 concerning advertising; content. Amends 828 IAC 1-1-21 concerning remedial education. Amends 828 IAC 1-1-23 concerning illegal, unlawful, incompetent, or fraudulent conduct; reporting procedures.

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Amends 828 IAC 1-2-1, 828 IAC 1-2-2, 828 IAC 1-2-3, 828 IAC 1-2-6, 828 IAC 1-2-8, 828 IAC 1-2-9, 828 IAC 1-2-10, and 828 IAC 1-2-12 concerning the examination for licensure to practice dental hygiene. Amends 828 IAC 1-3-1, 828 IAC 1-3-4, and 828 IAC 1-3-5. Repeals 828 IAC 1-1-4, 828 IAC 1-1-11, 828 IAC 1-2-4, and 828 IAC 1-2-11. Effective 30 days after filing with the secretary of state. Public comments are invited. Comments may be directed by mail to the State Board of Dentistry, Indiana Government Center-South, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by electronic mail at [bmcnutt@hpb.state.in.us](mailto:bmcnutt@hpb.state.in.us). Statutory authority: IC 25-13-1-5; IC 25-14-1-3; IC 25-14-1-13; IC 25-14-4-9.

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#### **TITLE 840 INDIANA STATE BOARD OF HEALTH FACILITY ADMINISTRATORS**

LSA Document #01-244

Under IC 4-22-2-23, the Indiana State Board of Health Facility Administrators intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 840 IAC 1-3-2 “Fees”, which establishes new fees charged and collected by the board. Repeals 840 IAC 1-3-1 “Fees”, which established current fees. Public comments are invited. Questions or comments on the adoption may be directed by mail to the Indiana State Board of Health Facility Administrators, Indiana Government Center-South, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by electronic mail to [mhopper@hpb.state.in.us](mailto:mhopper@hpb.state.in.us). Statutory authority: IC 25-1-8-2; IC 25-19-1-8; IC 25-19-1-12.

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#### **TITLE 844 MEDICAL LICENSING BOARD OF INDIANA**

LSA Document #01-235

Under IC 4-22-2-23, the Medical Licensing Board of Indiana intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 844 IAC 11-3-3.1 to establish licensure by credentials for respiratory care practitioners. Adds 844 IAC 11-3-4.1 to establish temporary permits by examination for respiratory care practitioners. Public comments are invited and may be directed to the Indiana Respiratory Care Committee, Attention: Cindy Vaught, Indiana Government Center-South, 402 West Washington Street, W041, Indianapolis, Indiana 46204 or by e-mail to [cvaught@hpb.state.in.us](mailto:cvaught@hpb.state.in.us). Statutory authority: IC 25-34.5-2-7.

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#### **TITLE 844 MEDICAL LICENSING BOARD OF INDIANA**

LSA Document #01-245

Under IC 4-22-2-23, the Medical Licensing Board of Indiana intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 844 IAC 6-2-2 “Fees”, which establishes new fees charged and collected by the board. Repeals 844 IAC 6-2-1 “Fees”, which established current fees. Public comments are invited. Questions or comments on the adoption may be directed by mail to the Medical Licensing Board of Indiana, Indiana Government Center-South, 402 West Washington Street, W041, Indianapolis, Indiana 46204 or by electronic mail to [mhopper@hpb.state.in.us](mailto:mhopper@hpb.state.in.us). Statutory authority: IC 25-27-1-6; IC 25-27-1-7; IC 25-27-1-8; IC 25-27-1-9.

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#### **TITLE 844 MEDICAL LICENSING BOARD OF INDIANA**

LSA Document #01-246

Under IC 4-22-2-23, the Medical Licensing Board of Indiana intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 844 IAC 10-2-2 “Fees”, which establishes new fees charged and collected by the board. Repeals 844 IAC 10-2-1 “Fees”, which established current fees. Public comments are invited. Questions or comments on the adoption may be directed by mail to the Medical Licensing Board of Indiana, Indiana Government Center-South, 402 West Washington Street, W041, Indianapolis, Indiana 46204 or by electronic mail to [mhopper@hpb.state.in.us](mailto:mhopper@hpb.state.in.us). Statutory authority: IC 25-23.5-2-6.

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#### **TITLE 844 MEDICAL LICENSING BOARD OF INDIANA**

LSA Document #01-247

Under IC 4-22-2-23, the Medical Licensing Board of Indiana intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 844 IAC 12-2-2 “Fees”, which establishes new fees charged and collected by the board. Repeals 844 IAC 12-2-1 “Fees”, which established current fees. Public comments are invited. Questions or comments on the adoption may be directed by mail to the Medical Licensing Board of Indiana, Indiana Government Center-South, 402 West Washington Street, W041, Indianapolis, Indiana 46204 or by electronic mail to [mhopper@hpb.state.in.us](mailto:mhopper@hpb.state.in.us). Statutory authority: IC 25-20.5-1-9.

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### TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

LSA Document #01-248

Under IC 4-22-2-23, the Medical Licensing Board of Indiana intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 844 IAC 11-2-1.1 concerning fees for respiratory care practitioners. Repeals 844 IAC 11-2-1. Public comments are invited. Comments may be directed by mail to the Respiratory Care Committee, Indiana Government Center-South, 402 West Washington Street, W041, Indianapolis, Indiana 46204 or by electronic mail at [cvaught@hpb.state.in.us](mailto:cvaught@hpb.state.in.us). Statutory authority: IC 25-1-8-2; IC 34.5-2-7.

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### TITLE 905 ALCOHOL AND TOBACCO COMMISSION

*NOTE: Under P.L.204-2001, SECTION 69, the name of the Indiana Alcoholic Beverage Commission is changed to Alcohol and Tobacco Commission, effective July 1, 2001.*

LSA Document #01-254

Under IC 4-22-2-23, the Alcohol and Tobacco Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 905 IAC 1-29.5 to establish rules regulating floor plans for the pharmacies and grocery stores holding Alcohol and Tobacco Commission dealer permits. Would require liquor to be displayed in a separate room or area adjacent to the pharmacy area; would require various security devices and ADA accessibility to the liquor area; the cash register for liquor would have to be accessible to the pharmacist in charge; various signage with warnings as to Alcohol and Tobacco Commission law would be required; if the pharmacy is co-located with a grocery store: (1) no alcoholic beverages could be sold unless the pharmacy is open; (2) no alcoholic beverages could be rung through grocery aisle registers; all beer and wine would be required to be located in the pharmacy area and rung up there. Compliance with this rule would be required within 365 days of effective date and Alcohol and Tobacco Commission approval would be required for any changes to a pharmacy floor plan. Questions concerning the proposed rule may be directed to Daniel M. Steiner at 317-232-2472. Statutory authority: IC 7.1-2-3-7.

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### TITLE 905 ALCOHOL AND TOBACCO COMMISSION

*NOTE: Under P.L.204-2001, SECTION 69, the name of the Indiana Alcoholic Beverage Commission is changed to Alcohol and Tobacco Commission, effective July 1, 2001.*

LSA Document #01-255

Under IC 4-22-2-23, the Alcohol and Tobacco Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 905 IAC 1-45 to establish rules that an Alcohol and Tobacco Commission permittee cannot sell alcohol beverages below the permittee's actual cost of that product. Questions concerning the proposed rule may be directed to Daniel M. Steiner at 317-232-2472. Statutory authority: IC 7.1-3-53; IC 7.1-3-4-6; IC 7.1-3-3-5; IC 7.1-3-10-7; IC 7.1-3-9-9; IC 7.1-3-10-5; IC 7.1-3-10-9; IC 7.1-3-8-3; IC 7.1-3-15-3; IC 7.1-3-14-4; IC 7.1-3-13-3.

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### TITLE 905 ALCOHOL AND TOBACCO COMMISSION

*NOTE: Under P.L.204-2001, SECTION 69, the name of the Indiana Alcoholic Beverage Commission is changed to Alcohol and Tobacco Commission, effective July 1, 2001.*

LSA Document #01-256

Under IC 4-22-2-23, the Alcohol and Tobacco Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 905 IAC 1-46 to establish rules to prohibit the Alcohol and Tobacco Commission from giving letters of extension to permittees which have pending violation citations against their permits under certain terms and conditions. Questions concerning the proposed rule may be directed to Daniel M. Steiner at 317-232-2472. Statutory authority: IC 7.1-3-1-3.1.

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### TITLE 905 ALCOHOL AND TOBACCO COMMISSION

*NOTE: Under P.L.204-2001, SECTION 69, the name of the Indiana Alcoholic Beverage Commission is changed to Alcohol and Tobacco Commission, effective July 1, 2001.*

LSA Document #01-257

Under IC 4-22-2-23, the Alcohol and Tobacco Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 905 IAC 1-47 to establish rules that allow for the dispensation of alcoholic beverage products in the event they come under the possession of a nonpermittee as part of a property damage settlement. Questions concerning the proposed rule may be directed to Daniel M. Steiner at 317-232-2472. Statutory authority: IC 7.1-5-5-7; IC 7.1-3-3-5.

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### TITLE 905 ALCOHOL AND TOBACCO COMMISSION

*NOTE: Under P.L.204-2001, SECTION 69, the name of the Indiana Alcoholic Beverage Commission is changed to Alcohol and Tobacco Commission, effective July 1, 2001.*

LSA Document #01-258

Under IC 4-22-2-23, the Alcohol and Tobacco Commission intends to adopt a rule concerning the following:

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**OVERVIEW:** Adds 905 IAC 1-48 to establish rules requiring permittees, in all instances involving off-premise sales not conducted in a package store, to obtain proper legal identification from persons seeking to purchase alcoholic beverages. Allows certain specific exceptions. Questions concerning the proposed rule may be directed to Daniel M. Steiner at 317-232-2472. Statutory authority: IC 7.1-5-7-4; IC 7.1-5-7-5.1; IC 7.1-5-7-8; IC 7.1-1-3-7.

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### TITLE 905 ALCOHOL AND TOBACCO COMMISSION

*NOTE: Under P.L.204-2001, SECTION 69, the name of the Indiana Alcoholic Beverage Commission is changed to Alcohol and Tobacco Commission, effective July 1, 2001.*

LSA Document #01-259

Under IC 4-22-2-23, the Alcohol and Tobacco Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 905 IAC 1-49 to establish rules for grocery stores holding Alcohol and Tobacco Commission permits. Would require beer and wine to be confined to a dedicated aisle and any changes in floor plans would be required to be approved by the Alcohol and Tobacco Commission. Conspicuous signage regarding Alcohol and Tobacco Commission law on underage sales would be required. Permittees would be required to come into complete compliance of this rule within 365 days of the next application for an alcoholic beverage permit. Questions concerning the proposed rule may be directed to Daniel M. Steiner at 317-232-2472. Statutory authority: IC 7.1-2-3-7.

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### TITLE 905 ALCOHOL AND TOBACCO COMMISSION

*NOTE: Under P.L.204-2001, SECTION 69, the name of the Indiana Alcoholic Beverage Commission is changed to Alcohol and Tobacco Commission, effective July 1, 2001.*

LSA Document #01-260

Under IC 4-22-2-23, the Alcohol and Tobacco Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 905 IAC 1-50 to establish a rule giving the Alcohol and Tobacco Commission authority, under IC 7.1-5, to cite a permittee who is delinquent in the remittance of sales

tax revenue to the Indiana Department of Revenue in a timely manner. Questions concerning the proposed rule may be directed to Daniel M. Steiner at 317-232-2472. Statutory authority: IC 7.1-3-21-15.

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### TITLE 905 ALCOHOL AND TOBACCO COMMISSION

*NOTE: Under P.L.204-2001, SECTION 69, the name of the Indiana Alcoholic Beverage Commission is changed to Alcohol and Tobacco Commission, effective July 1, 2001.*

LSA Document #01-261

Under IC 4-22-2-23, the Alcohol and Tobacco Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 905 IAC 1-51 to establish a rule giving the Alcohol and Tobacco Commission authority, under IC 7.1-5, to cite a permittee who is delinquent in the remittance of property tax revenue to the treasurer of the county in which a permit is located in a timely manner. Questions concerning the proposed rule may be directed to Daniel M. Steiner at 317-232-2472. Statutory authority: IC 7.1-3-21-15.

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### TITLE 905 ALCOHOL AND TOBACCO COMMISSION

*NOTE: Under P.L.204-2001, SECTION 69, the name of the Indiana Alcoholic Beverage Commission is changed to Alcohol and Tobacco Commission, effective July 1, 2001.*

LSA Document #01-262

Under IC 4-22-2-23, the Alcohol and Tobacco Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 905 IAC 1-52 to implement new provisions of IC 7.1-3-1-28, which went into effect July 1, 2001. Identifies requirements for type, size, and form of and location of posting notice signs, availability and cost of said signs, also the period of time and location of posting said signs and proof of posting that must be provided to the commission. Questions concerning the proposed rule may be directed to Daniel M. Steiner at 317-232-2472. Statutory authority: IC 7.1-2-3-7.